

RICHARD J. HAYES, JR.

ATTORNEY AT LAW

13809 BLACK MEADOW ROAD

GREENWOOD PLANTATION

SPOTSYLVANIA, VIRGINIA 22553

PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

RECEIVED

JUL 26 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ADMITTED IN GEORGIA
INTERNET: rjhayes@aol.com

TELEPHONE: (703) 972-2690
FACSIMILE: (703) 972-1309

July 27, 1995

Mr. William F. Caton
Acting Secretary
The Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

ORIGINAL

DOCKET FILE COPY ORIGINAL

RE: Counterproposal to Petition to Amend the FM Table of Allotments
Lisman Community Broadcasting Company
Stonewall, Mississippi
MM Docket Number 95-78 (RM.-8619)

Dear Mr. Caton:

Transmitted herewith, on behalf of Lisman Community Broadcasting Company, is an original and four (4) copies of a "Counterproposal to a Petition to Amend the FM Table of Allotments."

Lisman Community Broadcasting Company requests FCC consideration of the allotment of Channel 296-A to Lisman, Alabama as that community's first, local FM service. Lisman Community Broadcasting Company will apply for the new channel, if allotted, and if awarded the construction permit, will promptly construct the facility.

Should any questions arise regarding this matter, please communicate with the undersigned directly.

Respectfully submitted,

By: Richard J. Hayes, Jr.
Richard J. Hayes, Jr., Esq.
Counsel to: Lisman Community Broadcasting Company

RJH:sr
Enclosures

No. of Copies rec'd
List A B C D E

04

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

RECEIVED

DEC 26 1995

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Stonewall, Mississippi

)
)
)
)

MM Docket No. 95-78
RM. No. 8619

TO: Chief, Allocations Branch

DOCKET FILE COPY ORIGINAL

COUNTERPROPOSAL

Comes now, Lisman Community Broadcasting Company, Inc, through counsel, and pursuant to the provisions of Section 1.415 of the Commission's Rules (47 C.F.R. 1.415), requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Lisman Community Broadcasting Company hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to include a new, first local broadcast service at Lisman, Alabama on Channel 296-A. Lisman Broadcasting Company requests that the FM Table of Allotments be amended, as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Lisman, Alabama	---	296-A

The purpose of this request is to provide a much needed, first, local FM broadcast service to the community of Lisman, Alabama. At present, Lisman, Alabama does not enjoy the service of either an AM or FM facility within its community. The Petitioner proposes that the Commission amend the FM Table of Allotments to allot Channel 296-A to Lisman, Alabama as that community's first, local, FM broadcast service.

PETITION FOR RULE MAKING
PAGE 2

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing a first, local FM broadcast service at Lisman, Alabama. According to the attached "Engineering Exhibit," a new FM broadcast facility at Lisman, Alabama would provide service to 15,883 persons in an area of 2,503 square kilometers. Obviously, a new FM broadcast service at Lisman, Alabama would be an efficient utilization of scarce FM broadcast channel resources and would provide service to a large and growing community. Certainly, the citizens of Lisman and, additionally, those citizens in the predicted 1 mV/m contour of the proposed facility, would benefit from a first, full time, local FM broadcast service. No other person or community has expressed any interest in this channel at Lisman, Alabama.

Lisman Community Broadcasting Company's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that Channel 296-A would provide city-grade coverage to Lisman, Alabama. Channel 296-A could be allotted, consistent with the mileage separation and city-grade service requirements of the Commission's rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 296-A can be added to the FM Table of Allotments at Lisman, Alabama without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted.

In order to accommodate a new FM broadcast facility on Channel 296-A at Lisman, Alabama, and in order to provide FM broadcast service to a population of 15,883 persons within an area of 2,503 square kilometers, it is necessary to make some changes in the FM Table of Allotments. At present, Channel 295-A has been proposed at Stonewall, Mississippi. That community is already adequately served by a variety of AM and FM stations.

If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the rules of the Commission, to file an application for a construction permit, and if awarded the

PETITION FOR RULE MAKING
PAGE 3

permit, to promptly construct the facility.

No community will lose any present or proposed service as a result of a grant of this "Counterproposal" and, furthermore, a substantial new area of service will be added. As indicated above, a grant of this "Counterproposal" will provide a first local FM broadcast service to Lisman, Alabama which would result in efficient utilization of broadcast resources

The premises considered, Lisman Community Broadcasting, Inc. requests that the Federal Communications Commission allot FM Channel 296-A to Lisman, Alabama.

Respectfully submitted.

LISMAN COMMUNITY BROADCASTING COMPANY

By: _____

Richard J. Hayes, Jr.
Richard J. Hayes, Jr., Esquire
Its Attorney

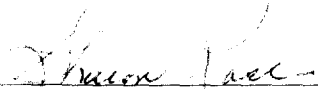
Date: July 27, 1995

Richard J. Hayes, Jr., Esq.
13809 Black Meadow Road
Spotsylvania, Virginia 22553
(703) 972-2690

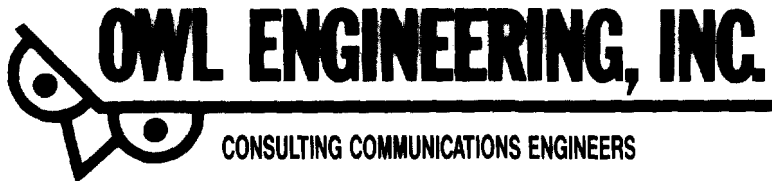
Certificate of Service

I, Sharon Rose, assistant to Richard J. Hayes, Attorney at Law, hereby certify that I have, on this 27th day of July, 1995, mailed a copy of the foregoing "Counterproposal", via first-class United States Mail, postage prepaid, to each of the following:

Mary C. Glass
PO Box 848
Stonewall, Mississippi 39363



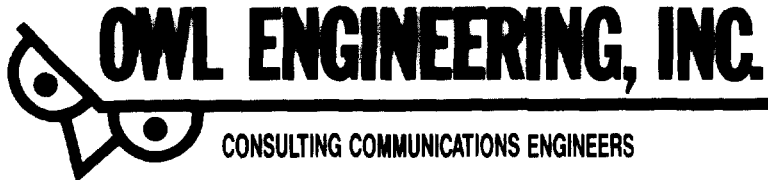
Sharon Rose



CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF
LISMAN COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A COUNTER PROPOSAL
RM-8619 STONEWALL, MISSISSIPPI**



1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF
LISMAN COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A COUNTER PROPOSAL
RM-8619 STONEWALL, MISSISSIPPI**

Owl Engineering, Inc. has been retained by Lisman Community Broadcasting Company (hereafter LCBC) to prepare this engineering statement in support of a counter proposal to the proposed allotment of channel 295A to Stonewall, Mississippi. The Commission by Notice of Proposed Rule Making believes the public interest would be served by amending the FM Table of Allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Stonewall, MS	None	295A

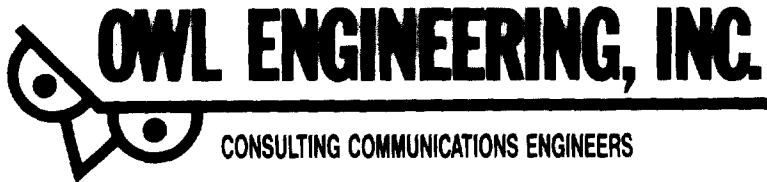
LCBC hereby proposes the following counter proposal in MM Docket 95-78 as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Lisman, AL	None	296A
Stonewall, MS	None	None

The reference coordinates for Lisman, AL used in this study are:

32° 02' 40" North Latitude
88° 12' 40" West Longitude

The community of Lisman has a population of 481 persons based on 1990 US Census data.



CONSULTING COMMUNICATIONS ENGINEERS

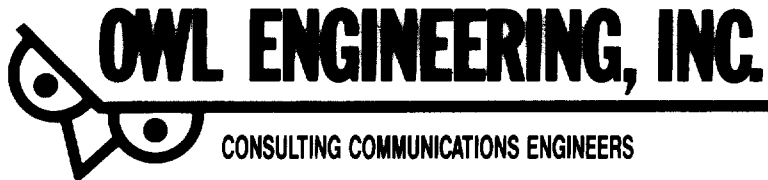
1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF
LISMAN COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A COUNTER PROPOSAL
RM-8619 STONEWALL, MISSISSIPPI**

The reference coordinates listed above represents a site restriction 15 kilometers south southeast of Lisman. The site restriction is required to prevent a short spaced condition with WLSMFM located at Louisville, MS. Included as Engineering Exhibit E-1 is a channel allocation study based on the reference coordinates. As can be seen from this exhibit, LCBC's proposal is in conformance with FCC Rule Section 73.207 with the exception of the mutually exclusive proposal at Stonewall, MS.

LCBC's proposal was examined to determine if a Class A facility located at the reference coordinates listed above would comply with FCC Rule Section 73.315 regarding minimum signal coverage requirements. The 70 dBu contour is depicted in Engineering Exhibit E-2. As can be seen from Engineering Exhibit E-2, the community of Lisman is completely served by a signal of 70 dBu or greater. (The F(50,50) metric curves of Figure 1 of Section 73.333 of the Commissions Rules were used to calculate the distance to the 70 dBu contour along the eight standard 45-degree spaced radials and the radial through the city of Lisman.)

An engineering study was performed to determine the number of persons to be served by the proposed facility at Lisman. The 60 dBu contour was calculated and is shown in Engineering Exhibit E-3. The proposed Class A facilities would serve a population of 15,883 persons encompassed in an area of 2,503 km².



CONSULTING COMMUNICATIONS ENGINEERS

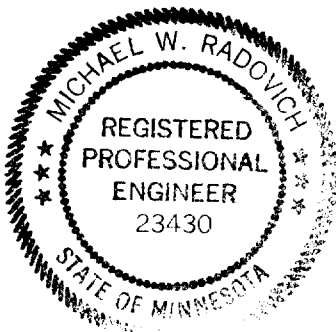
1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF
LISMAN COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A COUNTER PROPOSAL
RM-8619 STONEWALL, MISSISSIPPI**

AFFIDAVIT

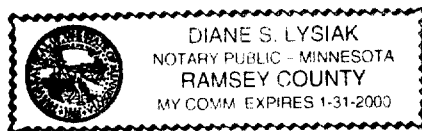
RAMSEY COUNTY)
)
STATE OF MINNESOTA) **ss:**

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota; that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



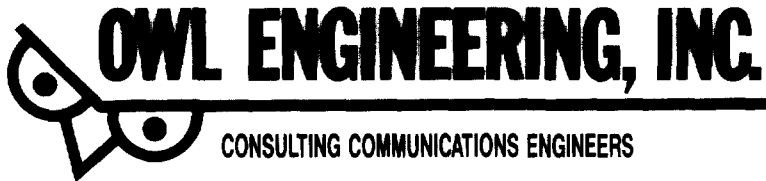
Michael W. Radovich, P.E.

Subscribed and sworn to before me this date July 26, 1995



**Diane S. Lysiak
Notary Public**

My commission expires January 31, 2000



CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502
1-800-797-1338

ENGINEERING EXHIBIT E-1

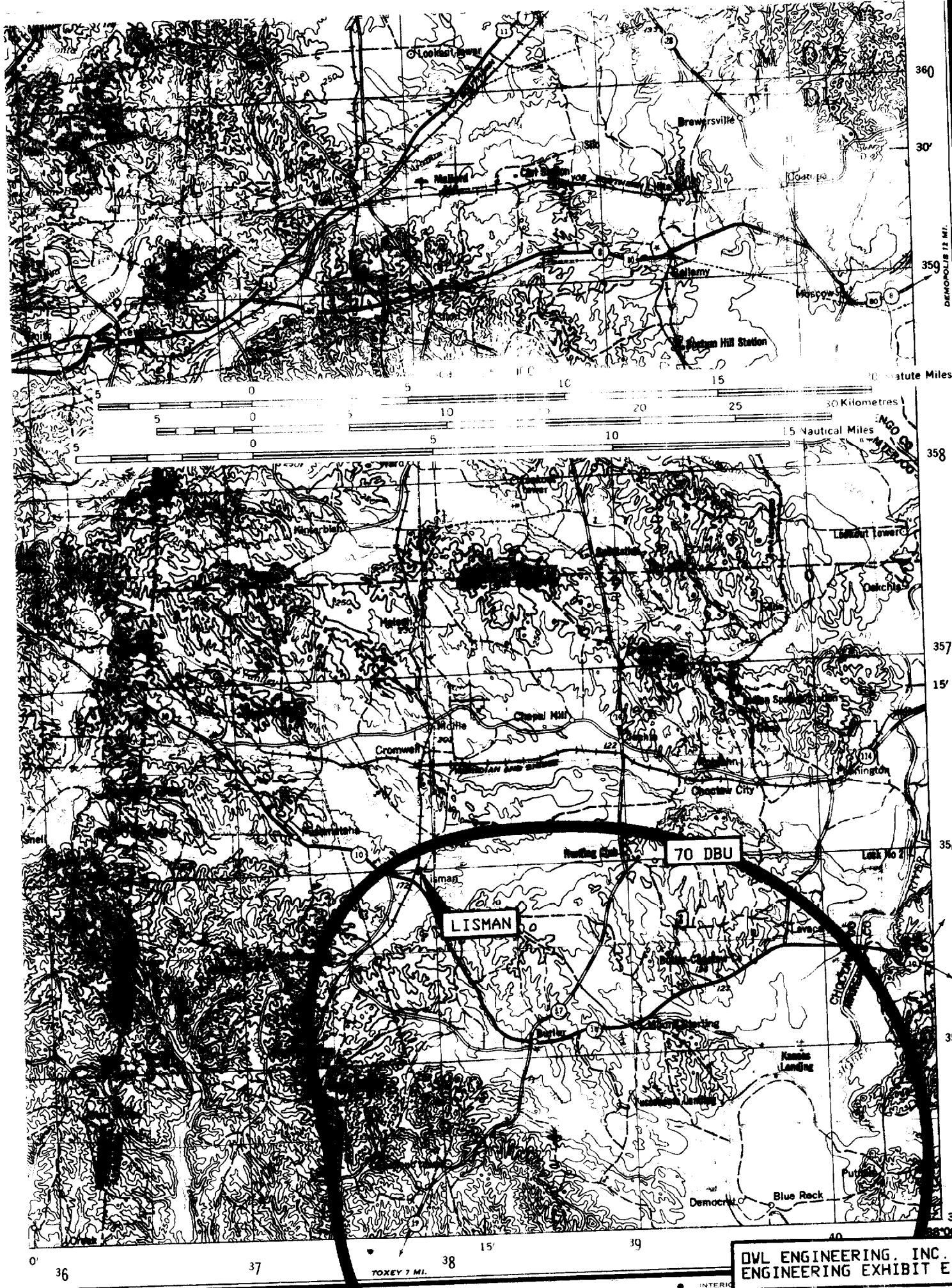
CHANNEL ALLOCATION STUDY

Job Title-> Lisman, AL
FM Channel 296-A (107.1 MHz)

LATITUDE: 32 2' 40" LONGITUDE: 88 12' 40"

CHNL	Call Status	Owner	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing degrees
242	NO	CONFLICT						
243	NO	CONFLICT						
293	WZNJ	FMAL Demopolis		C3	62.80	42	20.80	35.84
	LIC	Southstar Communicat		32 30' 8"	87 49' 7"		BLH941013KB	
293		FAAL Demopolis		C3	62.37	42	20.37	57.99
	USED			32 20' 25"	87 38' 55"			
294	NO	CONFLICT						
295		FRVA Stonewall		A	46.72	72	-25.28	292.70
	ADD	Stonewall Broadcaste		32 12' 20"	88 40' 7"		RM8619	
296	WKNZ	FMMS Collins		A	135.42	115	20.42	245.34
	CP	Southern Air Communi		31 31' 49"	89 30' 29"		BPH910110IB	
296		FAMS Collins		A	135.42	115	20.42	245.34
	USED			31 31' 49"	89 30' 29"			
296	WLSMFM	FMMS Louisville		C3	141.54	142	-0.46	327.95*
	CP	Harrison Communicati		33 7' 20"	89 1' 7"		BPH910115IA	
296	WLSMFM	FMMS Louisville		A	141.51	115	26.51	327.97
	LIC	Harrison Communicati		33 7' 20"	89 1' 5"		BLH6235	
296		FAMS Louisville		C3	141.51	142	-0.49	327.97*
	USED			33 7' 20"	89 1' 5"			
297	WOWW	FMFL Pensacola		C	167.19	165	2.19	152.51
	LIC	SunMedia, Inc.		30 42' 20"	87 24' 9"		BLH880913KB	
298	NO	CONFLICT						
299	NO	CONFLICT						

* Calculated distance rounds to 142 kilometers per FCC Rule Section 73.208.



DEMOPOLIS 12 MI.

358

357

356

355

32°00'

36°00'

LINDEN 20 MI.
DIXONS MILLS 14 MI.

DWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-2

STATE OF ALABAMA

Scale 1:500,000

1 inch equals approximately 8 miles

